

REMARKS

Independent claim 61 was rejected under 35 U.S.C. § 102(b) as being anticipated by Nishiuchi. Claim 61 calls for storing a clip of a media stream at a first time, at a time later than the first time, finding one or more blocks in the media stream, the one or more blocks including the clip, and selectively comparing at least two blocks.

In some embodiments, a block may be a song or a portion thereof. As one example, when a clip of the song is found in an incoming media stream the song may be stored in a storage. The newly stored song may be compared to a prior stored version of the song. If the newly stored song is better than the one previously stored, then the new version may be retained. Otherwise, the new version may be discarded.

In the Office Action paragraph [0006] of Nishiuchi is cited as teaching selectively comparing at least two blocks. However, this paragraph fails to teach comparison of two blocks of a media stream. That is, as best as can be determined, a television broadcast signal is compared to data read from a memory section. There is no indication that the comparison is between two blocks for example two songs that include the clip. Thus, Nishiuchi fails to anticipate claim 61. In fact, it is recognized in the Office Action that Nishiuchi does not compare portions of a media stream that are greater than and include the clip. For example, with respect to claim 5, the Examiner states that Nishiuchi does not teach comparing a first portion to another portion. This statement supports the assertion that Nishiuchi fails to compare blocks that include the clip. Thus, claim 61 and claims dependent thereon are not anticipated by Nishiuchi.

Claim 1 has been amended to call for in response to finding the clip, identifying a start point of the first portion, and storing the first portion of the media stream from the start and including the clip. Nishiuchi fails to disclose identifying a start point of a first portion of a media stream in response to finding the clip. That is, Nishiuchi merely continues recording or begins recording after agreement. [0008]. In other words, as best as can be determined if there is agreement between an input signal and the stored data of the memory section, recording merely continues. However, where two do not agree, recording is stopped and does not begin again unless there is coincidence within the allotted time. In other words, recording starts after agreement is determined. There is no indication that Nishiuchi attempts to find the beginning of the program after determining agreement to begin recording at the start point.


In contrast, in an embodiment of the present invention, the clip is not limited to the beginning of a portion of a media stream. Therefore, in some embodiments rather than just storing after the clip is detected, the start of the portion may be identified so that the portion may be stored from the beginning, the stored portion including the clip. Thus, for at least these reasons, claim 1 and claims dependent thereon are believed to be patentable.

For at least the same reasons as indicated with respect to claim 1, independent claims 14 and 70 and respective dependent claims are also believed to be patentable over Nishiuchi.

For at least the reasons expressed herein, the application is believed to be in condition for allowance. The Examiner's prompt attention in accordance therewith is respectfully requested.

Respectfully submitted,

Date: June 25, 2004



Rhonda L. Sheldon, Reg. No. 50,457
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
(713) 468-8880 [Phone]
(713) 468-8883 [Fax]

Customer No.: 21906